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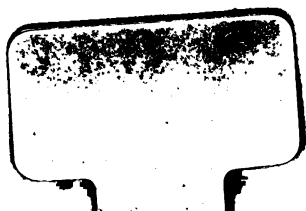
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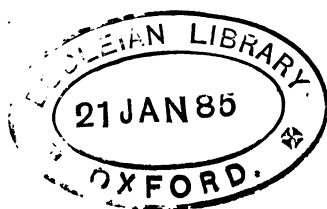






ANALYSES  
OF  
THE RULES  
FOR  
*Reckoning Soldiers' Services*  
TOWARDS  
LIMITED ENGAGEMENT,  
PENSION, AND GOOD CONDUCT PAY,  
BY  
COL. H. P. MONTGOMERY,  
*Rifle Depôt.*

*Winchester:*  
PRINTED BY WARREN & SON, 85, HIGH STREET.



## INTRODUCTION.

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THE conditions under which a soldier serves towards the completion of his engagement are fixed by the Act of Parliament\* in force at the time of his attestation or re-engagement (subject to some exceptions, hereinafter stated, relating to change of conditions by consent and on extension and prolongation of service), for although several of these Acts have been repealed, they are still kept in force, so far as regards the reckoning of service, by Section 192, Sub-section 5, of the Army Act, which provides that "for the purpose of discharge or transfer to the Reserve the service of any old soldier, to whom Section 79 of this Act does not apply, shall be reckoned in accordance with the enactments in accordance with which it would have been reckoned if the Army Acts 1879 and 1881 and this Act had not been passed." The same Section also enacts, in Sub-section 4, that the conditions of service laid down in the Army Act shall apply to a soldier not originally bound by them—

- (1.) On his consenting to such change of conditions ;
- (2.) On his re-engagement if it took place since the 25th July, 1879, the date of the passing of the Army Discipline and Regulation Act ;
- (3.) On his extending his service for all or any part of the residue of the unexpired term of his original enlistment, if it took place on or after the 27th September, 1881, the date of the commencement of the Army Act ; or
- (4.) On his giving notice to his commanding officer of his desire to continue in Her Majesty's service, if such notice was given on or after the 27th September, 1881, the date of the commencement of the Army Act.

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\* Although service towards engagement is to be reckoned in accordance with Acts of Parliament, Articles of Warrants are also given in the Analyses as authorities for that purpose, because they are sometimes referred to in other Articles which relate to Pension or Good Conduct Pay.

The conditions under which a soldier can earn a pension or good conduct pay are specified in Royal Warrants, but as these from time to time have undergone much alteration, entries made in records at the time of the events recorded are sometimes not reckoned as they now would be ; therefore, in some cases, service must be re-assessed and reckoned in accordance with the rules of the Royal Warrant now in force, that of 1882, as soldiers discharged to pension since the 1st July, 1881, are entitled to pensions in accordance with its provisions.

The same Warrant also made much alteration in the method of reckoning service towards good conduct pay, but as the new system introduced by it mainly affects old soldiers from the 1st July, 1881, and those under the Army Discipline and Regulation Act or Army Act from their enlistment or otherwise coming under those Acts, little re-assessment of their service is likely to be required by it, though some may be, especially in the cases of boys who are now allowed to reckon service towards good conduct pay irrespective of age from the 25th July, 1879, and men who fraudulently enlisted while belonging to the Militia who also now reckon service for the same purpose from the same date.

Having at times had difficulty in finding the Sections or Articles required for the decision of cases, owing to their being scattered over various parts of several books, I made the following analyses as keys to readily show by the letters F or R whether service should be reckoned or forfeited, and have stated beneath each letter where the authority for such reckoning or forfeiture is to be found. In an Appendix at the end of the book are copies of all Sections or Articles so referred to.

H. P. MONTGOMERY,

COLONEL,

*Rifle Depôt.*

WINCHESTER,

*August, 1883.*



## EXPLANATION OF ABBREVIATIONS.

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**F** signifies that service is forfeited.

**F** signifies that service although forfeited under the Warrant cited below it is to be re-assessed and reckoned under a later one.

**R** signifies that service reckons.

**A.S.A.** 47 refers to the Army Service Act, 1847.

**A.E.A.** 67 refers to the Army Enlistment Act, 1867.

**A.E.A.** 70 refers to the Army Enlistment Act, 1870.

**M.A.** refers to the Mutiny Act.

**A.W.** refers to the Articles of War.

**A.D.R.A.** refers to the Army Discipline and Regulation Act, 1879.

**A.A.** refers to the Army Act, 1881.

**R.W.** 70 refers to the Royal Warrant of 1870.

**R.W.A.C.** 72, 75 refers to the Royal Warrant published in Army Circular 92 of 1875.

**R.W.** 78 refers to the Royal Warrant of 1878.

**R.W.** 82 refers to the Royal Warrant of 1882.

The figures under lines signify the Section or Article referred to.

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The following are the dates from which the Acts and Royal Warrants cited came into force :—

Army Service Act, 1847 : June 21, 1847.

Army Enlistment Act, 1867 : June 20, 1867.

Army Enlistment Act, 1870 : August 9, 1870.

Mutiny Act : April 25, 1875.

Army Discipline and Regulation Act : July 25, 1879.

Army Act : \*September 27, 1881.

Royal Warrant, 1870 : December 27, 1870.

Royal Warrant, 1875 : April 25, 1875.

Royal Warrant, 1878 : May 1, 1878.

Royal Warrant, 1882 : July 1, 1881; but several Articles in it have anterior effect.

\* *i.e.*, one month after the passing of the Regulation of the Forces Act, 1881, in accordance with  $\frac{A.A.}{191}$  and Section 52 of the first-named Act.

# ANALYSES.

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I.	Absence without leave ...	Exceeding five days.
II.	Absence without leave ...	Not exceeding five days.
III.	Army Reserve ...	Service in.
IV.	Army Reserve Man ...	Improperly enlisting, re-transferred to Reserve, service in corps enlisted into.
V.	Army Reserve Man ...	Improperly enlisting, retained in army, service in present corps.
VI.	Army Reserve Man ...	Improperly enlisting, retained in army, service prior to improper enlistment.
VII.	Awaiting Trial ...	Confinement while, prior to conviction.
VIII.	Boys ...	Under age, service of.
IX.	Desertion ...	Service during.
X.	Desertion ...	Service prior to conviction of, or order dispensing with trial, on confession of.
XI.	Discharge ...	On conviction by civil power, service prior to.
XII.	Discharge ...	False answer on attestation, on conviction of, service prior to.
XIII.	Discharge ...	With ignominy, service prior to.
XIV.	Discharge ...	As incorrigible and worthless, service prior to.
XV.	Discharge ...	Misconduct, expressly for, service prior to.
XVI.	Discharge ...	Penal Servitude, on being sentenced to.
XVII.	Felony ...	Conviction of by Civil Court, service prior to.
XVIII.	Fraudulent Enlistment ...	Service prior to conviction of.
XIX.	Fraudulent Enlistment ...	Service prior to order dispensing with trial, on confession of.
XX.	Imprisonment by Commanding Officer	Not exceeding seven days, service during.
XXI.	Imprisonment by Commanding Officer	Exceeding seven days, service during.
XXII.	Imprisonment by Court Martial or Civil Court	Service during.
XXIII.	Militiaman ...	Fraudulently enlisting.
XXIV.	Prisoner of War ...	Service while.
XXV.	Soldier tampering with his eyes, or maiming himself or any other soldier.	Service prior to conviction of.

Sections or Articles have in some instances been used as authorities for reckoning service, although it is not expressly stated in them that it is to be reckoned, because were it forfeited it would have been so stated in them.

# ANALYSIS I.

Absence without Leave exceeding five days.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847 Before July 1, 1881	<b>R</b> <u>A.S.A. 47</u> 8 <u>R.W. 70</u> 540 <u>R.W. A.C. 72-75</u> 540 <u>R.W. 78</u> 651 & 659	<b>F</b> <u>R.W. 70</u> 564 (b) <u>R.W. A.C. 72-75</u> 564 (a) <u>R.W. 78</u> 684 (a)	<b>F</b> <u>R.W. 70</u> 948 (b) <u>R.W. A.C. 72-75</u> 948 (a) <u>R.W. 78</u> 1127 (a)
On or after July 1, 1881	<b>R</b> As above	<b>F</b> <u>R.W. 82</u> 579	<b>R</b> <u>R.W. 82</u> 918-1
1867 or 1870 Before July 1, 1881	<b>F</b> <u>A.E.A. 67</u> <u>A.E.A. 70</u> 6 12 (3) <u>M.A.</u> 50 <u>R.W. 70</u> 541 (c) <u>R.W. A.C. 72-75</u> 541 (d) <u>R.W. 78</u> 651 & 660 (d)	<b>F</b> <u>R.W. 70</u> 563 <u>R.W. A.C. 72-75</u> 563 <u>R.W. 78</u> 683	<b>F</b> <u>R.W. 70</u> 947 <u>R.W. A.C. 72-75</u> 947 <u>R.W. 78</u> 1126
On or after July 1, 1881	<b>F</b> As above	<b>F</b> <u>R.W. 82</u> 579	<b>R</b> <u>R.W. 82</u> 918-1
1879 or 1881	<b>R</b> <u>A.D.R.A.</u> <u>A.A.</u> 76 (1) 79 (1)	<b>F</b> <u>R.W. 82</u> 579	<b>R</b> <u>R.W. 82</u> 918

# ANALYSIS II.

Absence without Leave, *not* exceeding five days.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847 Before April 25th, 1875	$\begin{array}{r} R \\ \hline A.S.A. 47 \\ 8 \\ \hline R.W. 70 \\ 540 \end{array}$	$\begin{array}{r} F^* \\ \hline R.W. 70 \\ 564 (b) \\ \hline R \\ \hline R.W. 82 \\ 572 \text{ \& } 579 (a) \end{array}$	$\begin{array}{r} F^* \\ \hline R.W. 70 \\ 948 (b) \end{array}$
On or after April 25th, 1875	$\begin{array}{r} R \\ \hline A.S.A. 47 \\ 8 \\ \hline R.W. A.C. 72-75 \\ 540 \\ \hline R.W. 78 \\ 659 \end{array}$	$\begin{array}{r} R \\ \hline R.W.A.C. 72-75 \\ 564 \\ \hline R.W. 78 \\ 661 \text{ \& } 684 (a) \\ \hline R.W. 82 \\ 572 \text{ \& } 579 (a) \end{array}$	$\begin{array}{r} R \\ \hline R.W. A.C. 72-75 \\ 948 \\ \hline R.W. 78 \\ 1103 \text{ \& } 1127 (a) \\ \hline R.W. 82 \\ 918-I \end{array}$
1867 or 1870 Before April 25th, 1875	$\begin{array}{r} R \\ \hline A.E.A. 67. \quad A.E.A. 70 \\ 6 \qquad \qquad 12 \\ \hline R.W. 70 \\ 541 \end{array}$	$\begin{array}{r} F^* \\ \hline R.W. 70 \\ 564 (b) \\ \hline R \\ \hline R.W. 82 \\ 572 \text{ \& } 579 (a) \end{array}$	$\begin{array}{r} F^* \\ \hline R.W. 70 \\ 948 (b) \end{array}$
On or after April 25th, 1875	$\begin{array}{r} R \\ \hline M.A. \\ 50 \\ \hline R.W. A.C. 72-75 \\ 541 \\ \hline R.W. 78 \\ 660 \end{array}$	$\begin{array}{r} R \\ \hline R.W. A.C. 72-75 \\ 564 \\ \hline R.W. 78 \\ 662 \text{ \& } 684 (a) \\ \hline R.W. 82 \\ 572 \text{ \& } 579 (a) \end{array}$	$\begin{array}{r} R \\ \hline R.W. A.C. 72-75 \\ 948 \\ \hline R.W. 78 \\ 1104 \text{ \& } 1127 (a) \\ \hline R.W. 82 \\ 918-I \end{array}$
1879 or 1881	$\begin{array}{r} R \\ \hline A.D.R.A. \quad A.A. \\ 76 \qquad \quad 79 \end{array}$	$\begin{array}{r} R \\ \hline R.W. 82. \\ 572 \text{ \& } 579 (a) \end{array}$	$\begin{array}{r} R \\ \hline R.W. 82 \\ 918 \end{array}$

\* Only in cases where pay was forfeited was service forfeited.

Where service marked *F* has been forfeited, it should be re-assessed and reckoned under the Warrant of 1882, in the cases of men serving on or after July 1st, 1881.

# ANALYSIS III.

Army Reserve, service while in.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
<p>All Acts.</p> <p>If transferred to Reserve before Feb. 18, 1874, or attested or re-attested for Section A before April 3, 1878.</p>	<p><b>R</b></p> <p><u>A.S.A. 47</u> 8</p> <p><u>A.E.A. 67</u>   <u>A.E.A. 70</u> 6                  12</p> <p><u>M.A.</u> 50</p> <p><u>A.D.R.A.</u>      <u>A.A.</u> 76                  79</p>	<p><b>R*</b></p> <p><u>R.W. 82</u> 573</p>	<p><b>R*</b></p> <p><u>R.W. 82</u> 918-II</p>
<p>If not in accordance with above.</p>	<p><b>R</b></p> <p>as above</p>	<p><b>R*</b></p> <p><u>R.W. 82</u> 573</p>	<p><b>F</b></p> <p><u>R.W. 82</u> 918 &amp; 918-I</p>

\* Only in the event of the man rejoining the Regular Forces, otherwise this service is forfeited.

## ANALYSIS IV.

Army Reserve, Man improperly enlisted, and who, on detection, has been re-transferred to the Reserve; service in Corps improperly enlisted into.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
All Acts.	<p style="text-align: center;"><b>R</b></p> <p style="text-align: center;"><u>A.E.A. 70</u> 12</p> <p style="text-align: center;"><u>A.D.R.A.</u> 76</p> <p style="text-align: center;"><u>A.A.</u> 79</p>	<p style="text-align: center;"><b>F*</b></p> <p style="text-align: center;"><u>R.W. 82</u> 581</p>	<p style="text-align: center;"><b>F*†</b></p> <p style="text-align: center;"><u>R.W. 82</u> 921</p>

\* Service to be reckoned as if he had remained with the Reserve from the date of the improper Enlistment.

† A man who, while belonging to the Reserve, enlists illegally (but not fraudulently) forfeits *all* Good Conduct Badges, and is placed in the position of a man to whom a badge has never been awarded.

R.W. 82

## ANALYSIS V.

Army Reserve, Man improperly enlisted and who is retained  
in the Regular Army ; service in present Corps.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1867 or 1870 1879 or 1881	<p style="text-align: center;"><b>R</b></p> <p style="text-align: center;"> <u>A.E.A. 67.   A.E.A. 70.</u>  6                      12 </p> <p style="text-align: center;"> <u>M.A.</u>  50 </p> <p style="text-align: center;"> <u>A.D.R.A.   A.A.</u>  76                79 </p>	<p style="text-align: center;"><b>R</b></p> <p style="text-align: center;"> <u>R.W. 82</u>  572 </p>	<p style="text-align: center;"><b>R</b></p> <p style="text-align: center;"> <u>R.W. 82</u>  920 </p>

## ANALYSIS VI.

Army Reserve, Man improperly enlisted, and who, on detection, is retained in the Regular Army, service prior to date of irregular enlistment.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
All Acts	<p style="text-align: center;"><b>F</b></p> <p>As he is not serving under his former attestation</p>	<p style="text-align: center;"><b>F</b></p> <p style="text-align: center;"><u>R.W. 82</u> 582</p>	<p style="text-align: center;"><b>F</b></p> <p style="text-align: center;"><u>R.W. 82</u> 920</p>



# ANALYSIS VII.

Awaiting trial ending in conviction, service while.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847 Before July 1, 1881	<b>R</b> <u>A.S.A. 47</u> 8 <u>R.W. 70</u> 540 <u>R.W. A.C. 72-75</u> 540 <u>R.W. 78</u> 659	<b>F</b> <u>R.W. 70</u> 564 (a) <u>R.W. A.C. 72-75</u> 564 (b) <u>R.W. 78</u> 684 (b)	<b>F</b> <u>R.W. 70</u> 948 (a) <u>R.W. A.C. 72-75</u> 948 (b) <u>R.W. 78</u> 1127 (b)
On or after July 1, 1881	<b>R</b> As above	<b>F</b> <u>R.W. 82</u> 579 & 766 (b)	<b>R</b> <u>R.W. 82</u> 918-I
1867 or 1870 Before July 1, 1881	<b>F</b> <u>A.E.A. 67</u> <u>A.E.A. 70</u> 6                      12 <u>M.A.</u> 50 <u>R.W. 70</u> 541 (a) <u>R.W. A.C. 72-75</u> 541 (b) <u>R.W. 78</u> 660 (b)	<b>F</b> <u>R.W. 70</u> 563 & 564 (b) <u>R.W. A.C. 72-75</u> 563 <u>R.W. 78</u> 683	<b>F</b> <u>R.W. 70</u> 947 & 948 (a) <u>R.W. A.C. 72-75</u> 947 <u>R.W. 78</u> 1126
On or after July 1, 1881	<b>F</b> As above	<b>F</b> <u>R.W. 82</u> 579 & 766 (b)	<b>R</b> <u>R.W. 82</u> 918-I
1879 or 1881	<b>R</b> <u>A.D.R.A.</u> <u>A.A.</u> 76                      79	<b>F</b> <u>R.W. 82</u> 579 & 766 (b)	<b>R</b> <u>R.W. 82</u> 918

# ANALYSIS VIII.

Boys and Lads, service while under age.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847 Under 18 years of age	$\begin{array}{r} F \\ A.S.A. \ 47 \\ \hline 1 \\ R.W. \ 78 \\ \hline 651 \end{array}$	$\begin{array}{r} F \\ R.W. \ 70 \\ \hline 542 \\ R.W. \ 78 \\ \hline 661 \\ R \\ R.W. \ 82 \\ \hline 572 \end{array}$	$\begin{array}{r} F \\ R.W. \ 70 \\ \hline 927 \\ R.W. \ 78 \\ \hline 1103 \end{array}$
1867 or 1870 Under 17 years of age before 25th July, 1879	$\begin{array}{r} R \\ A.E.A. \ 67. \ A.E.A. \ 70 \\ \hline 6 \qquad \qquad 12 \\ M.A. \\ \hline 50 \end{array}$	$\begin{array}{r} F \\ R.W. \ 70 \\ \hline 544 \\ R.W. \ 78 \\ \hline 663 \\ R \\ R.W. \ 82 \\ \hline 572 \end{array}$	$\begin{array}{r} F \\ R.W. \ 70 \\ \hline 929 \\ R.W. \ 78 \\ \hline 1104 \end{array}$
On or after July 25, 1879	$\begin{array}{r} R \\ \text{As above} \end{array}$	$\begin{array}{r} R \\ R.W. \ 82 \\ \hline 572 \end{array}$	$\begin{array}{r} R \\ R.W. \ 82 \\ \hline 918-1 \end{array}$
1879 or 1881 Any age	$\begin{array}{r} R \\ A.D.R.A. \ A.A. \\ \hline 76 \qquad 79 \end{array}$	$\begin{array}{r} R \\ R.W. \ 82 \\ \hline 572 \end{array}$	$\begin{array}{r} R \\ R.W. \ 82 \\ \hline 918 \end{array}$

Where service marked *F* has been forfeited, it should be re-assessed and reckoned under the Warrant of 1882, in the cases of men serving on and after 1st July, 1881.

# ANALYSIS IX.

Desertion, service during.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847	<b>F</b> <u>A.S.A. 47</u> 8 R.W. 70 540 (c) <u>R.W. A.C. 72-75</u> 540 (b) R.W. 78 <u>659 (b)</u>	<b>F</b> <u>R.W. 70</u> 563 <u>R.W. A.C. 72-75</u> 563 <u>R.W. 78</u> 683 <u>R.W. 82</u> 577	<b>F</b> <u>R.W. 82</u> 947 <u>R.W. A.C. 72-75</u> 947 <u>R.W. 78</u> 1126 <u>R.W. 82</u> 919-II
1867 or 1870	<b>F</b> <u>A.E.A. 67</u> <u>A.E.A. 70</u> 6   12 M.A. 50 <u>R.W. 70</u> 541 (b) <u>R.W. A.C. 72-75</u> 541 (c) <u>R.W. 78</u> 660 (c)	<b>F</b> <u>R.W. 70</u> 563 <u>R.W. A.C. 72-75</u> 563 <u>R.W. 78</u> 660 (c) <u>R.W. 82</u> 577	<b>F</b> <u>R.W. 70</u> 947 <u>A.W. A.C. 72-75</u> 947 <u>R.W. 78</u> 1126 <u>R.W. 82.</u> 919-II
1879 or 1881	<b>F.</b> <u>A.D.R.A.</u> <u>A.A.</u> 76   79	<b>F</b> <u>R.W. 82</u> 577	<b>F</b> <u>R.W. 82</u> 918

# ANALYSIS XVI.

Penal Servitude, prior service on being sentenced to.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847	R  <u>A.S.A. 47</u> 8	F  <u>R.W. 82</u> 580	R  <u>R.W. 82</u> 918-1
1867 or 1870	R  <u>A.E.A. 67. A.E.A. 70.</u> 6                      12  <u>M.A.</u> 50	F  <u>R.W. 82</u> 580	R  <u>R.W. 82</u> 918-1
1879 or 1881	R  <u>A.D.R.A. A.A.</u> 76                      79	F  <u>R.W. 82</u> 580	R  <u>R.W. 82</u> 918

All Good Conduct Badges of which a man sentenced as above may be possessed are forfeited under R.W. 82  
932

## ANALYSIS XV.

Misconduct, service prior to discharge expressly on account of.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847	R  <u>A.S.A. 47</u> 8	F  <u>R.W. 82</u> 580	R  <u>R.W. 82</u> 918-1
1867 or 1870	R  <u>A.E.A. 67</u> <u>A.E.A. 70</u> 6                      12  <u>M.A.</u> 50	F  <u>R.W. 82</u> 580	R  <u>R.W. 82</u> 918-1
1879 or 1881	R  <u>A.D.R.A.</u> <u>A.A.</u> 76                      79	F  <u>R.W. 82</u> 580	R  <u>R.W. 82</u> 918

All Good Conduct Badges of which a man discharged as above may be  
possessed are forfeited under R.W. 82  
932

## ANALYSIS XVIII.

Fraudulent Enlistment within the meaning of  $\frac{\text{A.D.R.A.}}{13}$  and  $\frac{\text{A.A.}}{13}$ ,  
service prior to conviction in Corps fraudulently enlisted into.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847	<p style="text-align: center;"><b>R</b></p> <p style="text-align: center;"><math>\frac{\text{A.S.A. } 47}{8}</math></p>	<p style="text-align: center;"><b>F*</b></p> <p style="text-align: center;"><math>\frac{\text{R.W. } 82}{579\text{--I}}</math></p>	<p style="text-align: center;"><b>F*</b></p> <p style="text-align: center;"><math>\frac{\text{R.W. } 82}{919\text{--II}}</math></p>
1867 or 1870	<p style="text-align: center;"><b>R</b></p> <p style="text-align: center;"><math>\frac{\text{A.E.A. } 67}{6} \quad \frac{\text{A.E.A. } 70}{12}</math></p> <p style="text-align: center;"><math>\frac{\text{M.A.}}{50}</math></p>	<p style="text-align: center;"><b>F*</b></p> <p style="text-align: center;"><math>\frac{\text{R.W. } 82}{579\text{--I}}</math></p>	<p style="text-align: center;"><b>F*</b></p> <p style="text-align: center;"><math>\frac{\text{R.W. } 82}{919\text{--II}}</math></p>
1879 or 1881	<p style="text-align: center;"><b>F</b></p> <p style="text-align: center;"><math>\frac{\text{A.D.R.A.}}{76} \quad \frac{\text{A.A.}}{79}</math></p>	<p style="text-align: center;"><b>F*</b></p> <p style="text-align: center;"><math>\frac{\text{R.W. } 82}{577}</math></p>	<p style="text-align: center;"><b>F*</b></p> <p style="text-align: center;"><math>\frac{\text{R.W. } 82}{918}</math></p>

\* As, prior to the passing of the A. D. and R. Act, men who fraudulently enlisted were, if possible, handed over to their original regiments and there tried for desertion from them ; no provisions relating to this offence were made in the earlier Warrants. For the case of a man confessing it, and not handed over, see next Analysis.

# ANALYSIS XIX.

Fraudulent Enlistment, within the meaning of  $\frac{\text{A.W.}}{47}$ ,  $\frac{\text{A.D.R.A.}}{13}$ , and  $\frac{\text{A.A.}}{13}$ , service in Corps fraudulently enlisted into, prior to an order dispensing with trial on a confession of the offence.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847 Before July 25, 1879	<b>F*</b> $\frac{\text{A.W.}}{47}$	<b>F*</b> $\frac{\text{A.W.}}{47}$	<b>F*</b> $\frac{\text{A.W.}}{47}$
On or after July 25, 1879	<b>R</b> $\frac{\text{A.S.A. } 47}{8}$	<b>F</b> $\frac{\text{R.W. } 82}{579-1}$	<b>F</b> $\frac{\text{R.W. } 82}{919-11 \text{ \& } 931}$
1867 or 1870 Before July 25, 1879	<b>F*</b> $\frac{\text{A.W.}}{47}$	<b>F*</b> $\frac{\text{A.W.}}{47}$	<b>F*</b> $\frac{\text{A.W.}}{47}$
On or after July 25, 1879	<b>R</b> $\frac{\text{A.E.A. } 67}{6} \quad \frac{\text{A.E.A. } 70}{12}$ $\frac{\text{M.A.}}{50}$	<b>F</b> $\frac{\text{R.W. } 82}{579-1}$	<b>F</b> $\frac{\text{R.W. } 82.}{919-11 \text{ \& } 931}$
1879 or 1881	<b>F</b> $\frac{\text{A.D.R.A.}}{76} \quad \frac{\text{A.A.}}{79}$	<b>F</b> $\frac{\text{R.W. } 82}{577}$	<b>F</b> $\frac{\text{R.W. } 78}{918} \quad 2$

\* The Articles of War, not having been "enactments," are not retained in force by Sec. 192 (5) of the Army Act.

# ANALYSIS XX.

Imprisonment, awarded by Commanding Officer, if not exceeding seven days, service during.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847 Before April 25th, 1875	$\begin{array}{r} R \\ \hline A.S.A. 47 \\ 8 \\ \hline R.W. 70 \\ 540 \end{array}$	$\begin{array}{r} F \\ \hline R.W. 70 \\ 564 (a) \\ \hline R \\ \hline R.W. 82 \\ 579 (b) \end{array}$	$\begin{array}{r} F \\ \hline R.W. 70 \\ 948 (a) \end{array}$
On or after April 25th, 1875, to present time	$\begin{array}{r} R \\ \hline A.S.A. 47 \\ 8 \\ \hline R.W. A.C. 72-75 \\ 540 \\ \hline R.W. 78 \\ 651 \text{ \& } 659 \end{array}$	$\begin{array}{r} R \\ \hline R.W. A.C. 72-75 \\ 563 \text{ \& } 564 \\ \hline R.W. 78 \\ 661 \text{ \& } 684 \\ \hline R.W. 82 \\ 579 (b) \end{array}$	$\begin{array}{r} R \\ \hline R.W. A.C. 72-75 \\ 947 \text{ \& } 948 \\ \hline R.W. 78 \\ 1103 \text{ \& } 1127 \\ \hline R.W. 82 \\ 918-I \end{array}$
1867 or 1870 Before April 25th, 1875	$\begin{array}{r} F \\ \hline A.E.A. 67. \quad A.E.A. 70 \\ 6 \qquad \qquad 12 \\ \hline R.W. 70 \\ 541 (a) \end{array}$	$\begin{array}{r} F \\ \hline R.W. 70 \\ 564 (a) \\ \hline R \\ \hline R.W. 82 \\ 579 (b) \end{array}$	$\begin{array}{r} F \\ \hline R.W. 70 \\ 948 (a) \end{array}$
On or after April 25th, 1875, to present time	$\begin{array}{r} R \\ \hline M.A. \\ 50 \\ \hline R.W.A.C. 72-75 \\ 541 \\ \hline R.W. 78 \\ 652 \text{ \& } 660 \end{array}$	$\begin{array}{r} R \\ \hline R.W. A.C. 72-75 \\ 563 \text{ \& } 564 \\ \hline R.W. 78 \\ 662 \text{ \& } 684 \\ \hline R.W. 82 \\ 579 (b) \end{array}$	$\begin{array}{r} R \\ \hline R.W. A.C. 72-75 \\ 947 \text{ \& } 948 \\ \hline R.W. 78 \\ 1104 \text{ \& } 1127 \\ \hline R.W. 82 \\ 918-I \end{array}$
1879 or 1881	$\begin{array}{r} R \\ \hline A.D.R.A. \quad A.A. \\ 76 \qquad \quad 79 \end{array}$	$\begin{array}{r} R \\ \hline R.W. 82 \\ 579 (b) \end{array}$	$\begin{array}{r} R \\ \hline R.W. 82 \\ 918 \end{array}$



## ANALYSIS XXI.

Imprisonment awarded by Commanding Officer for absence without leave, when such absence exceeded five days, and the period of imprisonment exceeded seven, service during.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847	R  <u>A.S.A. 47</u> 8	F  <u>R.W. 82</u> 579 (c)	R  <u>R.W. 82</u> 918-I
1867 or 1870	R  <u>M.A.</u> 50	F  <u>R.W. 82</u> 579 (c)	R  <u>R.W. 82</u> 918-I
1879 or 1881	R  <u>A.D.R.A.</u> <u>A.A.</u> 76                79	F  <u>R.W. 82</u> 579 (c)	R  <u>R.W. 82</u> 918

NOTE.—The power to award imprisonment as above not having been conferred on Commanding Officers before the passing of the Army Discipline and Regulation Act, no provisions relating to it are in the earlier Warrants.

# ANALYSIS XXII.

Imprisonment under sentence of a Court-Martial or a Civil Court,  
service during.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847 Before July 1, 1881	$\begin{array}{r} \text{F} \\ \text{A.S.A. } 47 \\ \hline 8 \\ \text{R.W. } 70 \\ 540 \text{ (a)} \\ \hline \text{R.W. A.C. } 72-75 \\ 540 \text{ (a)} \\ \hline \text{R.W. } 78 \\ 659 \text{ (a)} \end{array}$	$\begin{array}{r} \text{F} \\ \text{R.W. } 70 \\ \hline 563 \\ \text{R.W. A.C. } 72-75 \\ \hline 563 \\ \hline \text{R.W. } 78 \\ 683 \end{array}$	$\begin{array}{r} \text{F} \\ \text{R.W. } 70 \\ \hline 947 \\ \text{R.W. A.C. } 72-75 \\ \hline 947 \\ \hline \text{R.W. } 78 \\ 1126 \end{array}$
On or after July 1, 1881	$\begin{array}{r} \text{F} \\ \text{As above} \end{array}$	$\begin{array}{r} \text{F} \\ \text{R.W. } 82 \\ \hline 579 \end{array}$	$\begin{array}{r} \text{R}^* \\ \text{R.W. } 82 \\ \hline 918-1 \end{array}$
1867 or 1870 Before July 1, 1881	$\begin{array}{r} \text{F} \\ \text{A.E.A. } 67. \quad \text{A.E.A. } 70 \\ \hline 6 \quad \quad \quad 12 \\ \text{M.A.} \\ \hline 50 \\ \text{R.W. } 70 \\ 541 \text{ (a)} \\ \hline \text{R.W. A.C. } 72-75 \\ 541 \text{ (a)} \\ \hline \text{R.W. } 78 \\ 660 \text{ (a)} \end{array}$	$\begin{array}{r} \text{F} \\ \text{R.W. } 70 \\ \hline 563 \\ \text{R.W. A.C. } 72-75 \\ \hline 563 \\ \hline \text{R.W. } 78 \\ 683 \end{array}$	$\begin{array}{r} \text{F} \\ \text{R.W. } 70 \\ \hline 947 \\ \text{R.W. A.C. } 72-75 \\ \hline 947 \\ \hline \text{R.W. } 78 \\ 1126 \end{array}$
On or after July 1, 1881	$\begin{array}{r} \text{F} \\ \text{As above} \end{array}$	$\begin{array}{r} \text{F} \\ \text{R.W. } 82 \\ \hline 579 \end{array}$	$\begin{array}{r} \text{R}^* \\ \text{R.W. } 82 \\ \hline 918-1 \end{array}$
1879 or 1881	$\begin{array}{r} \text{R} \\ \text{A.D.R.A.} \quad \text{A.A.} \\ \hline 76 \quad \quad \quad 79 \end{array}$	$\begin{array}{r} \text{F} \\ \text{R.W. } 82 \\ \hline 579 \end{array}$	$\begin{array}{r} \text{R}^* \\ \text{R.W. } 82 \\ \hline 918 \end{array}$

\* A soldier sentenced by a Civil Court to imprisonment exceeding six months forfeits *all* Good Conduct Badges, and is placed in the position of a man to whom a badge has never been awarded. R.W. 82

## ANALYSIS XXIII.

Militiaman who fraudulently enlisted into Army, service of, prior to date of completion of Militia engagement.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847, 1867, or 1870 Before July 25, 1879	<b>R</b>  $\frac{\text{M.A.}}{50}$ $\frac{\text{R.W. } 78}{655}$	<b>F</b>  $\frac{\text{M.A.}}{50}$ $\frac{\text{R.W. } 70}{547}$ $\frac{\text{R.W. } 78}{666}$ $\frac{\text{R.W. } 82}{580-1}$	<b>F</b>  $\frac{\text{R.W. } 70}{932}$ $\frac{\text{R.W. } 78}{1110}$ $\frac{\text{R.W. } 82}{919-V}$
On or after July 25, 1879	<b>R</b>  $\frac{\text{M.A.}}{50}$ $\frac{\text{R.W. } 78}{655}$	<b>R</b>  $\frac{\text{R.W. } 82}{580-1}$	<b>R</b>  $\frac{\text{R.W. } 82}{919-V}$
1879 or 1881	<b>R</b>  $\frac{\text{A.D.R.A.}}{76}$ $\frac{\text{A.A.}}{79}$	<b>R</b>  $\frac{\text{R.W. } 82}{572}$	<b>R</b>  $\frac{\text{R.W. } 82}{918}$

# ANALYSIS XXIV.

Prisoner of War, unless exonerated by a Court-Martial or on other due inquiry, service while.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847 Before July 1, 1881	<b>F</b> <u>A.S.A. 47</u> 8 <u>R.W. 70</u> 540 (e) <u>R.W. A.C. 72-75</u> 540 (c) <u>R.W. 78</u> 659 (c)	<b>F</b> <u>R.W. 70</u> 563 <u>R.W. A.C. 72-75</u> 563 <u>R.W. 78</u> 683	<b>F</b> <u>R.W. 70</u> 947 <u>R.W. A.C. 72-75</u> 947 <u>R.W. 78</u> 1126
On or after July 1, 1881	<b>F</b> As above	<b>F</b> <u>R.W. 82</u> 572, 579 & 770	<b>R</b> <u>R.W. 82</u> 918-I
1867 or 1870 Before July 1, 1881	<b>F</b> <u>A.E.A. 67. A.E.A. 70.</u> 6                      12 <u>M.A.</u> 50 <u>R.W. 70</u> 541 (d) <u>R.W. A.C. 72-75</u> 541 (e) <u>R.W. 78</u> 660 (e)	<b>F</b> <u>R.W. 70</u> 563 <u>R.W. A.C. 72-75</u> 563 <u>R.W. 78</u> 683	<b>F</b> <u>R.W. 70</u> 947 <u>R.W. A.C. 72-75</u> 947 <u>R.W. 78</u> 1126
On or after July 1, 1881	<b>F</b> As above	<b>F</b> <u>R.W. 82</u> 572, 579 & 770	<b>R</b> <u>R.W. 82</u> 918-I
1879 or 1881	<b>R</b> <u>A.D.R.A.</u> <u>A.A.</u> 76                79	<b>F</b> <u>R.W. 82</u> 579 & 770	<b>R</b> <u>R.W. 82</u> 918

## ANALYSIS XXV.

Soldier tampering with his eyes or maiming or injuring himself  
or any other soldier, with intent to render himself or any  
other soldier unfit for service, service prior to conviction of.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
1847 Before July 1, 1881	<b>R</b> <u>A.S.A. 47</u> 8	<b>F</b> <u>R.W. 70</u> 564 (c) <u>R.W. A.C. 72-75</u> 564-a (a) <u>R.W. 78</u> 685 (a)	<b>F</b> <u>R.W. 70</u> 948 (c) <u>R.W. A.C. 72-75</u> 948-a (a) <u>R.W. 78</u> 1128 (a)
On or after July 1, 1881	<b>R</b> As above	<u>*R.W. 82</u> No provision	<u>*R.W. 82</u> No provision
1867 or 1870 Before July 1, 1881	<b>R</b> <u>A.E.A. 67</u> <u>A.E.A. 70</u> 6   12 <u>M.A.</u> 50	<b>F</b> As for men under Act of 1847	<b>F</b> As for men under Act of 1847
On or after July 1, 1881	<b>R</b> As above	<u>*R.W. 82</u> No provision	<u>*R.W. 82</u> No provision
1879 or 1881	<b>R</b> <u>A.D.R.A.</u> <u>A.A.</u> 76   79	<u>*R.W. 82</u> No provision	<u>*R.W. 82</u> No provision

\* It may be presumed that special provisions relating to the above offences were omitted from the Royal Warrant of 1882, under the supposition that men committing them would be sentenced to forfeiture of Pension under R.W. 82 and of Good Conduct Badges under R.W. 82



# APPENDIX.

## ANALYSIS XXVI.

Hospital, service of a soldier in, on account of Sickness certified to have been caused by an offence committed by him.

Act serving under	Service towards Limited Engagement	Service towards Pension	Service towards Good Conduct Pay
All Acts. On or after July 1, 1881	<p><b>R</b></p> <p><u>A.S.A. 47</u> 8</p> <p><u>A.E.A. 67.</u>   <u>A.E.A. 70</u> 6                      12</p> <p><u>M.A.</u> 50</p> <p><u>A.D.R.A.</u>      <u>A.A.</u> 76                      79</p>	<p><b>F</b></p> <p><u>R.W. 82</u> 579 &amp; 766 (c)</p>	<p><b>R</b></p> <p><u>R.W. 82</u> 918 &amp; 918-1</p>

absent may be deducted from his term of service.

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## APPENDIX.

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### Army Service Act, 1847.

1.—After the passing of this Act no person shall be enlisted to serve Her Majesty, or in the Forces of the East India Company, as a soldier for a longer term than ten years in the Infantry, or twelve in the Cavalry or Artillery or other Ordnance Corps, to be reckoned from the day on which the recruit shall have been attested, if he shall have stated himself to be then of the age of eighteen years, or, if not then from the day on which he will complete the age of eighteen years, to be reckoned according to the age stated in his attestation.

8.—And be it enacted, that if any non-commissioned officer or soldier shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service by reason of his imprisonment, whether under sentence of a court-martial or of any other court duly authorised to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or soldier was enlisted or re-engaged, or for which his term of service may have been prolonged as aforesaid; and if any non-commissioned officer or soldier shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service by reason of his having been made a prisoner of war, the circumstances under which he was so made a prisoner, shall, on his rejoining Her Majesty's service, or the service of the East India Company, be subjected to inquiry by a court-martial, and if it shall appear to the satisfaction of the court that he was taken prisoner through his own wilful neglect of duty, or that he has or has not returned to his duty so soon as he could and ought to have returned, the court may by its sentence direct that all or any part of the time during which such non-commissioned officer or soldier shall have been so absent may be deducted from his term of service.

**Army Enlistment Act, 1867.**

6.—In reckoning the service of a soldier for discharge under the provisions of this Act there shall be excluded therefrom such periods of time during which he has been absent from his duty for any of the following causes :—Imprisonment for any cause, save that of detention awaiting any trial which results in the acquittal and discharge of the prisoner from custody, desertion, or absence without leave, exceeding five days, or as a prisoner of war, unless in the latter instance it shall appear to the satisfaction of a court-martial, to be summoned on his rejoining Her Majesty's service that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done.\*

**Army Enlistment Act, 1870.**

12.—In reckoning the service of a soldier for the purposes of discharge under the provisions of this Act, all periods of time shall be excluded during which he has been absent from his duty for any of the following causes ; that is to say,—

- (1.) Imprisonment ; provided that imprisonment shall not for the purposes of this section include detention in respect of any trial which results in the acquittal or discharge of the prisoner.
- (2.) Desertion.
- (3.) Absence without leave exceeding five days.
- (4.) Detention as a prisoner of war, unless it appear to the satisfaction of a court-martial to be summoned on his rejoining Her Majesty's service that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as as he could and ought to have done.†

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\* This Section was repealed from on and after the 25th April, 1875, by the 50th Section of the Mutiny Act, which declares that the imprisonment to be excluded from a soldier's service shall be under the sentence of a civil court or a court-martial, or detention in respect of a trial for an offence of which he is afterwards convicted, and thus declares that from that date a soldier shall reckon service while undergoing imprisonment awarded by his commanding officer.

† This Section was repealed by the 50th Section of the Mutiny Act from on and after the 25th April, 1875, in like manner as the 6th Section of the Army Enlistment Act of 1867 ; see note to it.

**Mutiny Act.**

50.—If any man while belonging to any regiment or corps of the Regular, Reserve, or Auxiliary Forces, shall, without being discharged by the proper authorities therefrom, enlist or be enrolled, or attempt to enlist or be enrolled in any regiment or corps, whether of the Regular, Reserve, or Auxiliary Forces, he shall be liable to be tried before a court-martial on a charge for desertion ;—but it shall be lawful for the Secretary of State for the War Department to give such general directions as may from time to time appear to him necessary for placing any man who confesses himself to be a Militiaman under stoppage of one penny a day of his pay for eighteen calendar months, in lieu of his being tried by court-martial ;—and in the case of a Militiaman who shall have belonged to the Militia Reserve at the time of his attestation, for placing him under a further stoppage of one penny a day for two hundred and forty days, and further to give general directions as to the manner in which such stoppages shall be applied, and whether, on making good the same, the man shall be returned to his Militia regiment or be deemed to be a soldier in the same manner as if he had not been a Militiaman at the time of his attestation. PROVIDED that every soldier who while belonging to a Militia regiment enlisted in Her Majesty's Army, whether such enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon service towards the performance of his limited engagement from the date of his attestation :—PROVIDED also, that any such soldier shall not reckon service for pension until the day on which his engagement for the Militia would have expired ;—but if any such soldier shall subsequently to his enlistment have rendered long, faithful, or gallant service, the Secretary of State for War may, upon the special recommendation of the Commander-in-Chief, order that he may reckon service for pension from the date of his attestation. If any non-commissioned officer of the Volunteer permanent staff enlists in Her Majesty's army he may be tried and punished as a deserter, but if he confesses his desertion, the Secretary of State for the War Department, instead of causing him to be tried and punished as a deserter, may cause him to be returned to his service on the Volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him and the expenses attending his enlistment,

also the value of any arms, etc., issued to him while on the Volunteer permanent staff, and not duly delivered up by him ;—or may cause him to be held to his service in Her Majesty's army, with a direction, if it seems fit, that his time of service therein shall not be reckoned for pension until the time when his engagement on the Volunteer permanent staff would have expired ;—and may further cause him to be put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the Volunteer permanent staff, and also the value of any arms, clothing, or appointments issued to him while on the Volunteer permanent staff, and not duly delivered up by him.

The 6th Section of the Army Enlistment Act, 1867, and the 12th Section of the Army Enlistment Act of 1870, are hereby repealed. In reckoning the service of a soldier, for the purpose of discharge under either of the above-named Acts, all periods of time shall be excluded during which he has been absent from his duty for any of the following causes :—IMPRISONMENT under sentence of a civil court or a court-martial or detention in respect of trial for an offence of which he is afterwards convicted, desertion or absence without leave exceeding five days or as a prisoner of war, unless it appear to the satisfaction of a court-martial to be summoned on his rejoining Her Majesty's service, that he was not taken a prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done.

### Articles of War.

47.—Our Commander-in-Chief may, and any general or other officer commanding on any foreign station may, within his command, dispense with the trial of any soldier confessing desertion, if he shall so think fit, and may thereupon order such soldier to serve in any regiment or corps, and to make good by stoppages from his pay the value of any free kit obtained by him on fraudulent re-enlistment ;—and such soldier shall thereupon forfeit his service for the period between the date of the desertion stated in his confession and the date of the said order to serve, and shall not be allowed to reckon the said period as a part of

the limited service for which he was enlisted or re-engaged, or for which his term of service may have been prolonged; and shall also forfeit all advantage as to good-conduct pay, and pension on discharge, which might otherwise have accrued from the length of his former service and shall also forfeit all medals and decorations whatsoever which he may be in possession of and authorised to wear, together with any annuity or gratuity thereto appertaining;—but any such soldier, if he shall have subsequently performed good, faithful, or gallant services in Our army, may, on the same being duly certified by Our Commander-in-Chief, be eligible to be restored to the benefit of the whole or any part of his service; and should the restoration be approved by Us, Our order for the same will be signified through Our Secretary of State for War.

### **Army Discipline and Regulation Act, 1879.**

76.—In reckoning the service of a soldier of the regular forces for the purpose of discharge or of transfer to the Reserve, (1) The service shall begin to reckon from the date of his attestation, but (2) where a soldier of the regular forces has been guilty of any of the following offences:—(a) desertion from Her Majesty's Service, or (b) fraudulent enlistment; then either upon his conviction by court-martial of the offence, or (if having confessed the offence, he is liable to be tried) upon his trial being dispensed with by order of the competent military authority, the whole of his prior service shall be forfeited, and he shall be liable to serve as a soldier of the regular forces for the term of his original enlistment, reckoned from the date of such conviction or such order dispensing with trial, in like manner as if he had been originally attested at that date: Provided that a Secretary of State may restore all or any part of the service forfeited under this section to any soldier who may perform good and faithful service, or may otherwise be deemed by such Secretary of State to merit such restoration of service, or may be recommended for such restoration of service by a court-martial.

154.—A person shall not, in pursuance of this Act, be tried or punished for any offence triable by court-martial committed more than three years before the date at which his trial begins, except in

the case of the offence of mutiny, desertion, or fraudulent enlistment; but this section shall not affect the jurisdiction of a civil court in the case of any offence triable by such court, as well as the court-martial; and where a soldier has served continuously in an exemplary manner for not less than three years in any corps of Her Majesty's regular forces he shall not be tried for any such offence of desertion (other than desertion on active service), or of fraudulent enlistment, as was committed before the commencement of such three years, but where such offence was fraudulent enlistment, all service prior to such enlistment shall be forfeited, and his attestation upon his last enlistment shall be as valid as if he had not been guilty of fraudulent enlistment, and every prior attestation shall be cancelled.

### **Army Act, 1881.**

79.—In reckoning the service of a soldier of the regular forces for the purpose of discharge or of transfer to the Reserve :—

- (1.) The service shall begin to reckon from the date of his attestation; but
- (2.) When a soldier of the regular forces has been guilty of any of the following offences :
  - (a.) Desertion from Her Majesty's Service, or
  - (b.) Fraudulent enlistment,

then either upon his conviction by court-martial of the offence, or (if, having confessed the offence, he is liable to be tried), upon his trial being dispensed with by order of the competent military authority, the whole of his prior service shall be forfeited, and he shall be liable to serve as a soldier of the regular forces for the term of his original enlistment, reckoned from the date of such conviction or such order dispensing with trial, in like manner as if he had been originally attested at that date.

Provided that a Secretary of State may restore all or any part of the service forfeited under this section to any soldier who may perform good and faithful service, or may otherwise be deemed by such Secretary of State to merit such restoration of service, or may be recommended for such restoration of service by a court-martial.

161.—A person shall not, in pursuance of this Act be tried or punished for any offence triable by court-martial committed more than three years before the date at which his trial begins, except in the case of the offence of mutiny, desertion, or fraudulent enlistment ; but this section shall not affect the jurisdiction of a civil court in the case of any offence triable by such court, as well as by court-martial ; and where a soldier has served continuously in an exemplary manner for not less than three years in any corps of Her Majesty's regular forces he shall not be tried for any such offence of desertion (other than desertion on active service), or of fraudulent enlistment, as was committed before the commencement of such three years, but where such offence was fraudulent enlistment all service prior to such enlistment shall be forfeited.

192.—This Act, while in force, shall apply to all soldiers, whether enlisted before or after the commencement of this Act, in like manner as if they were enlisted under this Act, subject as follows :—

- (1.) A soldier enlisted before the commencement of this Act may, when on service beyond the seas, be detained in army service after the time at which he would otherwise be entitled to be transferred to the Reserve by the same authority and for the same period by and for which he may be detained under this Act while a state of war exists.
- (2.) In the case of soldiers enlisted or re-engaged before the commencement of the Army Discipline and Regulation Act, 1879, who have not consented to the application to them of the provisions of Part II of that Act, Part II of this Act shall, nevertheless, so far as is consistent with the tenor thereof, apply to such soldiers (in this section referred to as old soldiers) but subject to the exceptions provided by this section.
- (3.) The following provisions, namely :—
  - (a.) The whole of Section 79 (which section relates to reckoning and forfeiture of service) ;
  - (b.) So much of Section 87 as allows a soldier to be detained in service otherwise than while a state of war exists, or while he is on service beyond the seas ;
  - (c.) So much of Section 88 as relates to any person continuing in army service for a period during which his service may be prolonged ; and

(d.) The whole of Section 89 (which section relates to the power to transfer a soldier to the Reserve before the expiration of his term of army service), shall not apply, without his consent, to any such old soldier.

(4.) Any re-engagement entered into by a soldier at any time since the commencement of the Army Discipline and Regulation Act, 1879, shall be deemed to be a consent by him to the application to him of the above-named provisions ; any old soldier who, after the commencement of this Act, extends his army service for all or any part of the residue of the unexpired term of his original enlistment, or gives notice to his commanding officer of his desire to continue in Her Majesty's service, shall be deemed to have consented to the application to him of the above-named provisions.

(5.) For the purpose of discharge or transfer to the Reserve, the service of any old soldier, to whom Section 79 of this Act does not apply, shall be reckoned in accordance with the enactments in accordance with which it would have been reckoned if the Army Acts, 1879 and 1881, and this Act, had not passed ;

Provided that such service may, with the consent of the soldier and the approval of the competent military authority as defined by Part II of this Act be reckoned from the date of his attestation without any deduction on account of age, imprisonment, desertion, absence without leave, or otherwise, or without deduction on account of any one or more of such matters.

(6.) Any old soldier shall not be liable to be detained in service, or have his service prolonged without his consent, further or otherwise than he would have been liable to if the Regulation of the Forces Act, 1881, and this Act had not been passed.

(7.) Nothing in sub-sections 4 and 5 of section 83 of this Act, shall extend without his consent to any soldier who enlisted on or after the 20th day of June, 1867, and before the 9th day of August, 1870, and who has not re-engaged.

(8.) Where a man was enlisted before the commencement of this Act, nothing in this Act shall require him, without his consent, to serve in or to be appointed, transferred, posted, or attached to any military body otherwise than he might have been if this Act had not been passed, or to serve for any longer period than that for which he was, before the commencement of this Act, liable to serve.



**Royal Warrant, 1870.**

\*540.—A soldier enlisted, re-enlisted, or re-engaged under the Army Service Act, 1847, if absent from duty by reason of—

- (a.) Imprisonment under sentence of a civil court or a court-martial ;
- (b.) Confinement for Debt ;
- (c.) Desertion ;
- (d.) Being allowed, if an apprentice when enlisted, to serve out his time with his master ;
- (e.) Being a prisoner of war (unless it shall appear to the satisfaction of a court-martial, to be summoned on his rejoining Our service, that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done) ;

does not reckon the period of such absence (including the day of release) towards the completion of his engagement.

†541.—A soldier enlisted, re-enlisted, or re-engaged under the Army Enlistment Acts 1867 and 1870, if absent from duty by reason of—

- (a.) Imprisonment for any cause, except in cases of detention awaiting any trial which results in the acquittal and discharge of the prisoner from custody ; or confinement in the guard-room without subsequent trial if no misconduct has been proved and punishment awarded.
- (b.) Desertion.
- (c.) Absence without leave, exceeding five days.
- (d.) Being a prisoner of war, unless it shall appear to the satisfaction of a court-martial, to be summoned on his rejoining Our service, that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done ;

does not reckon the period of such service (including the day of release) towards the completion of his engagement.

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\* This Article was cancelled by Special Army Circular, 12th December, 1872.

† As amended by Special Army Circular, 12th December, 1872.

*Mode of Reckoning Service towards Pensions.*

542.—Soldiers enlisted under the Army Service Act, 1847, shall reckon towards pension all service after the age of 18 years not forfeited under the provisions of Articles 564 and 565.

543.—Soldiers enlisted under the Army Enlistment Acts, 1867 and 1870, shall reckon towards pension all service not forfeited under the provisions of Articles 564 and 565 from the date of attestation.

594.—Boys of 14 years and upwards specially enlisted under the Army Enlistment Acts of 1867 and 1870, shall reckon only such portion of their service towards pension as they may render after they shall have attained the age of 17 years.

545.—Soldiers shall reckon their service in the 1st Class Army Reserve Force towards pension, but not unless they are called out on permanent service.

546.—Soldiers permitted to volunteer from the Militia shall reckon the Army service from the date of attestation towards pension, and those men who were allowed to volunteer from the embodied Militia between 31st December, 1855, and \*21st March, 1861 inclusive, or from the disembodied Militia during the last week of the training of their regiments in 1858, and who previously to volunteering had rendered six months embodied or disembodied Militia service shall, with the sanction of Our Secretary of State, be allowed to reckon towards pension half the embodied service which they had rendered after attaining the age of 18 years.

547.—Militiamen who fraudulently enlisted into Our Army, whether before or after the passing of the Mutiny Act of 1860, reckon their Army service towards pension only from the date of the completion of their Militia engagement, but if any such soldier shall subsequently to his enlistment have rendered long, faithful, or gallant service, Our Secretary of State may, on the special recommendation of Our Commander-in-Chief, order that he may reckon service towards pension from the date of his attestation.

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\* Corrected from 2nd to 21st by A. C. 2 of 1873.

548.—The two years' boon service granted in pursuance of the General Order of the Governor-General of India, dated 12th October, 1859, to the non-commissioned officers and men who volunteered from the late forces of the East India Company, and the one year's service granted to the garrisons which defended Lucknow and the Alumbagh respectively prior to the advance of any portion of the forces under the late Lord Clyde, reckons towards pensions as private.

549.—Service in the Militia in the case of a sergeant transferred to the Permanent Staff thereof, and service as sergeant-instructor of Volunteers, shall reckon towards pension.

550.—Soldiers confined in lunatic asylums, or while under restraint as lunatics in hospital or on board ship, may reckon the period of such confinement towards pension.

551.—Three years service by Europeans on the West coast of Africa shall count as five towards pension, but no period short of three years shall so reckon.

552.—A schoolmaster shall reckon as schoolmasters' service half the period of his previous service in the army. The period passed in the Training Schools of the Royal Military Asylum shall not be allowed to reckon.

*Forfeiture of Service towards Pension.*

563.—No service shall reckon towards pension which has been forfeited towards the term of limited engagement under the provisions of Acts 540 or 541.

564.—Service towards pension shall also be forfeited as follows:—

(a.) In the case of a soldier imprisoned by order of his commanding officer or of a soldier who may have been, or shall hereafter be in confinement while awaiting trial by court-martial or other court, for any offence of which he shall be duly convicted, for the period of absence consequent thereupon.

(b.) In the case of a soldier absent from his duty from any other causes than those specified in Articles 563 and 564 (a), except when on pass or furlough,—for the period of such absence; but if a soldier shall be absent without leave for a period

not exceeding five days, and stoppage of his pay shall, at the discretion of his commanding officer, have been remitted, the forfeiture of his service to which he would otherwise have been liable will likewise be remitted.

- (c.) In the case of a soldier found guilty by court-martial of desertion, or of wilfully tampering with his eyes, or maiming or injuring himself, or any other soldier, with intent to render himself or any other soldier unfit for service, or sentenced to penal servitude, or convicted of felony, in any civil court of England or Ireland, or of any crime or offence in any civil court in any part of the United Kingdom, or in any part of Our dominions out of the United Kingdom, which, if committed in England, would amount to felony, or of a soldier confessing desertion whose trial has been dispensed with, for the whole period of his prior service ; but if the soldier thus convicted shall, subsequently to such conviction, perform good, faithful, or gallant service, he may, on the same being duly certified by Our Commander-in-Chief, be restored to the whole or any part of his service upon Our pleasure to that effect being signified by Our Secretary of State ; such restoration of service shall also include the restoration of any medals earned previously to conviction.

565.—A soldier convicted by any general court-martial shall forfeit the advantages of past and future service if such forfeiture form part of the sentence, except as provided in Article 564 (e).

*Mode of Reckoning Service towards Good Conduct Pay.*

927.—Soldiers enlisted under the Army Service Act, 1847, shall reckon towards good conduct pay all service after the age of 18 years not forfeited under the provisions of Articles 948 and 949.

928.—Soldiers enlisted under the Army Enlistment Acts of 1867 and 1870, shall reckon towards good conduct pay all service after the age of 17 years not forfeited under the provisions of Articles 948 and 949, from the date of attestation.

929.—Boys of 14 years of age and upwards specially enlisted under the Army Enlistment Acts of 1867 and 1870, shall reckon only such portion of their service towards good conduct pay as they may render after they shall have attained the age of 17 years.

930.—Soldiers shall reckon their service in the 1st Class Army Reserve Force towards good conduct pay.

NOTE.—This Article was amended by Army Circular 23 of 1874 as from the 1st January, 1874, as follows:—

Soldiers who have rejoined Our Army from the Army Reserve Force prior to the 1st January, 1874, shall reckon their service in that force towards good conduct pay.

Soldiers who may rejoin Our Army from the Army Reserve Force on and subsequently to the 1st January, 1874, shall not reckon their service in that force towards good conduct pay.

In either case, however, they will be entitled, from the date of rejoining Our Army, to reckon their previous service therein, and to resume the good conduct badges of which they were in possession at the date of their transfer to the Army Reserve Force.

931.—Soldiers permitted to volunteer from the Militia shall reckon their Army service from the date of attestation towards good conduct pay, and those men who were allowed to volunteer from the embodied Militia between the 31st December, 1855, and \*21st March, 1861 inclusive, or from the disembodied Militia during the last week of the training of their regiments in 1858, and who previously to volunteering had rendered six months embodied or disembodied Militia service, shall, with the sanction of Our Secretary of State, after serving for the period of two years without an entry in the regimental defaulter's book, be granted their first badge and corresponding good conduct pay, provided their total service, including such Militia service as they may have been duly allowed to reckon, shall amount to not less than three years.

932.—Militiamen who fraudulently enlisted into Our army, whether before or after the passing of the Mutiny Act of 1860, shall reckon their army service towards good conduct pay only from the date of the completion of their Militia engagement; but if any such soldier shall subsequently to his enlistment have rendered long, faithful, or gallant service, Our Secretary of State may, on the special recommendation of Our Commander-in-Chief, order that he may reckon service towards good conduct pay from the date of his attestation.

933.—The one year's service granted to the garrisons which

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\* Corrected from 2nd to 21st by A. C. 2 of 1873.

defended Lucknow and the Alumbagh respectively, prior to the advance of any portion of the forces under the late Lord Clyde, shall reckon towards good conduct pay.

934.—Service in the Militia in the case of a Sergeant transferred to the permanent staff thereof, and service as sergeant-instructor of Volunteers shall reckon towards good conduct pay.

935.—Soldiers confined in lunatic asylums, or while under restraint as lunatics in hospital or on board ship shall not reckon the period of such confinement towards good conduct pay.

*Forfeiture of Service towards Good Conduct Pay.*

947.—No service shall reckon towards good conduct pay which has been forfeited towards the term of limited engagement under the provisions of Articles 540 or 541.

948.—Service towards good conduct pay shall also be forfeited as follows :—

- (a) In the case of a soldier imprisoned by order of his commanding officer, or of a soldier who may have been or shall hereafter be in confinement while awaiting trial by court-martial or other court, for any offence of which he shall be duly convicted, for the period of absence consequent thereupon.
- (b) In the case of a soldier absent from his duty for any other cause than those referred to in Articles 947 and 948 (a) except on pass or furlough,—for the period of such absence ; but if a soldier shall be absent without leave for a period not exceeding five days, and stoppage of his pay shall at the discretion of his commanding officer have been remitted, the forfeiture of his service to which he would otherwise have been liable shall likewise be remitted.
- (c) In the case of a soldier found guilty by court-martial of desertion, or of wilfully tampering with his eyes, or of maiming or of injuring himself or any other soldier, with intent to render himself or any other soldier unfit for service, or sentenced to penal servitude, or convicted of felony, in any civil court in England or Ireland, or of any crime or offence in any civil court in any part of the United Kingdom, or in any part of Our dominions out of the United Kingdom, which, if committed in England, would amount to felony, or of a soldier confessing desertion whose trial has been dispensed with,—for the whole period

of his prior service ; but if the soldier thus convicted shall subsequently to such conviction, perform good, faithful, or gallant service, he may, on the same being duly certified by Our Commander-in-Chief, be restored to the whole or any part of his service, upon Our pleasure to that effect being signified by Our Secretary of State.

949.—A soldier convicted by any general court-martial for offences other than those specified in 948 (c) shall forfeit the advantages of past and future service if such forfeiture form part of the sentence, but not otherwise.

### **Royal Warrant.—Service towards Good-conduct Pay and Pension.**

*(Issued as a Special Army Circular, 13th May, 1873.)*

VICTORIA R.

*Clause 62.*—Whereas We deem it expedient to revise certain of the regulations under which re-enlisted or re-engaged soldiers of Our Army are allowed to reckon their former service towards good-conduct pay and pension ;

OUR WILL AND PLEASURE IS that so much of Article 528, of Our Royal Warrant of the 27th December, 1870, as relates to a soldier reckoning his former service on re-enlistment, and Articles 554, 557, 558, 937, 940, 941, and 1132, of Our said Warrant be cancelled, and the following Articles substituted in lieu thereof :—

2.—A soldier under the age of 34 years, of good character, who has been permitted to re-enlist subsequently to the 29th October, 1861, but prior to the 1st August, 1870, into any arm of the Service, or to re-engage between those dates into the same arm of the Service as that from which he was discharged, within one year of his discharge, shall, subject to the sanction, in each case, of Our Secretary of State, be allowed to reckon such period of his former service towards good-conduct pay and pension as has not been forfeited towards those advantages, and may, from the date of re-enlistment or re-engagement, resume the good-conduct badges and rates of good-conduct pay of which he may have been in possession when discharged. Such pay shall not be issued until the soldier shall have joined his Regiment or Corps.

3.—The foregoing Article shall apply to soldiers re-enlisted or re-engaged on and subsequent to the 1st August, 1870, provided that they re-enlisted or re-engaged within a period fixed by Our Secretary of State.

4.—A soldier re-enlisted or re-engaged, who may have forfeited his claim to be allowed to reckon his former service towards good-conduct pay and pension, by non-compliance with the prescribed conditions as regards the limit of time within which a soldier must re-enlist or re-engage in order to entitle him to reckon his previous service towards those advantages, may be allowed, subject to the sanction in each case of Our Secretary of State, so to reckon it, if he have subsequently to his re-enlistment or re-engagement rendered long, faithful, or gallant service, such service being duly certified by his Commanding Officer, and approved by Our Commander-in-Chief.

5.—A soldier discharged from Our Army for incapacity for further service, or for any other cause, who shall, on re-enlisting, conceal the fact or misrepresent the cause of his former discharge, shall not be allowed to reckon his former service towards good-conduct pay and pension, unless he shall, subsequently to such re-enlistment, have rendered long, faithful and gallant service, as defined in Article 4 of Our present Warrant, and shall not again have been discharged for disability.

Given at Our Court at Windsor, this 3rd day of May, 1873, in the 36th Year of Our Reign.

By Her Majesty's Command,  
EDWARD CARDWELL.

### Army Circular, 72 of 1875, amending the Royal Warrant, 1870.

540.—A soldier enlisted, re-enlisted, or re-engaged under the Army Service Act of 1847, if absent from duty by reason of:—

- (a.) Imprisonment under sentence of a civil court or a court-martial;
- (b.) Desertion;



- (c.) Being a prisoner of war (unless it shall appear to the satisfaction of a court-martial, to be summoned on his rejoining Our Service that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done) ;

does not reckon the period of such absence (including the day of release) towards the completion of his engagement.

541.—A soldier enlisted, re-enlisted, or re-engaged under the Army Service Acts of 1867 and 1870, if absent from duty on and subsequently to the 25th April, 1875, by reason of:—

- (a.) Imprisonment under sentence of a civil court or a court-martial ;
- (b.) Detention, awaiting trial for an offence of which he is afterwards convicted ;
- (c.) Desertion ;
- (d.) Absence without leave exceeding five days ;
- (e.) Being a prisoner of war (unless it shall appear to the satisfaction of a court-martial, to be summoned on his rejoining Our service, that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done) ; does not reckon the period of such service (including the day of release) towards the completion of his engagement.

563.—No service shall reckon towards pension which has been forfeited towards the term of limited engagement under Articles 540 or 541.

564.—Service towards pension shall also be forfeited by a soldier enlisted, re-enlisted, or re-engaged under the Army Service Act of 1847, as follows:—

- (a.) For any period of absence without leave exceeding five days ;
- (b.) For any period (including the day of release) of detention awaiting trial for an offence of which he is afterwards convicted.

564a.—A soldier shall forfeit the whole of his prior service towards pension:—

- (a.) When found guilty by court-martial of desertion, or of wilfully tampering with his eyes, or maiming or injuring himself or any other soldier, with intent to render himself or any other soldier unfit for service ;

- (b.) When sentenced to penal servitude, or convicted of felony in any civil court in England or Ireland, or of any crime or offence in any civil court in any part of the United Kingdom, or in any part of Our Dominions out of the United Kingdom, which if committed in England would amount to felony ;
- (c.) When confessing desertion, the trial having been dispensed with ;

but if the soldier thus convicted shall, subsequently to such conviction, perform good, faithful, or gallant service, he may, on the same being duly certified by Our Commander-in-Chief, be restored to the whole or any part of his service upon Our pleasure to that effect being signified by Our Secretary of State. Such restoration of service shall also include the restoration of any medals earned previously to conviction.

947.—No service shall reckon towards good conduct pay which has been forfeited towards the term of limited engagement under the provisions of Articles 540 or 541.

948.—Service towards good conduct pay shall also be forfeited by a soldier, enlisted, re-enlisted, or re-engaged under the Army Service Act of 1847, as follows :—

- (a.) For any period of absence without leave exceeding five days ;
- (b.) For any period (including the day of release) of detention awaiting trial for an offence of which he is afterwards convicted.

948a.—A soldier shall forfeit the whole of his prior service towards good conduct pay :—

- (a.) When found guilty by court-martial of desertion, or of wilfully tampering with his eyes, or maiming or injuring himself or any other soldier, with intent to render himself or any other soldier unfit for service ;
- (b.) When sentenced to penal servitude, or convicted of felony, in any civil court in England or Ireland, or of any crime or offence in any civil court in any part of the United Kingdom, or in any part of Our Dominions out of the United Kingdom, which if committed in England would amount to felony ;
- (c.) When confessing desertion, the trial having been dispensed with ;

but if the soldier thus convicted shall, subsequently to such conviction, perform good, faithful, or gallant service, he may, on the

same being duly certified by Our Commander-in-Chief, be restored to the whole or any part of his service upon Our pleasure to that effect being signified by Our Secretary of State.

949.—A soldier convicted by any general court-martial for offences other than those specified in Article 948*a*, shall forfeit the advantages of past and future services if such forfeiture form part of the sentence, but not otherwise.

### **Royal Warrant, 1878.**

651.—The service of a soldier enlisted under the Army Service Act, 1847, commences from the date of attestation, provided at that time he was of or above the age of 18 years, or if not, then from the day on which he shall complete the age of 18 years (to be reckoned according to the age stated in the attestation), and all service after that age not forfeited under the provisions of Article 659 reckons towards the completion of his limited engagement.

652.—The service of a soldier enlisted under the Army Enlistment Acts, 1867 and 1870, commences from the date of attestation, and all service after that date not forfeited under the provisions of Art. 660 reckons towards the completion of his limited engagement.

653.—The age specified in the attestation shall be taken as the real age, and the soldier shall in no case benefit by any misrepresentation which may be subsequently discovered.

655.—Militiamen who fraudulently enlisted into Our Army, whether before or after the passing of the Mutiny Act of 1860, reckon their Army service from the date of attestation towards the completion of their limited engagement.

657.—Soldiers confined in lunatic asylums, or while under restraint as lunatics in hospitals or on board ship, shall reckon the period of such confinement towards the completion of their limited engagement.

659.—A soldier enlisted, re-enlisted, or re-engaged under the Army Service Act, 1847, if absent from duty by reason of—

- (a.) Imprisonment under sentence of a civil court or a court-martial ;
- (b.) Desertion ;

- (c.) Being a prisoner of war (unless it shall appear to the satisfaction of a court-martial, to be summoned on his rejoining Our Service, that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done) ;

does not reckon the period of such absence (including the day of release), towards the completion of his engagement.

660.—A soldier enlisted, re-enlisted, or re-engaged under the Army Enlistment Acts, 1867 and 1870, if absent from duty on and subsequently to 25th April, 1875, by reason of:—

- (a.) Imprisonment under sentence of a civil court or a court-martial ;
- (b.) Detention awaiting trial for an offence of which he is afterwards convicted ;
- (c.) Desertion.
- (d.) Absence without leave exceeding five days.
- (e.) Being a prisoner of war (unless it shall appear to the satisfaction of a court-martial, to be summoned on his rejoining Our Service, that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done) ;

does not reckon the period of such service (including the day of release) towards the completion of his engagement.

#### *Service towards Pension.*

661.—Soldiers enlisted under the Army Service Act, 1847, shall reckon towards pension all service after the age of 18 years not forfeited under the provisions of Articles 684 to 686.

662.—Soldiers enlisted under the Army Enlistment Acts of 1867 and 1870 shall reckon towards pension all service not forfeited under the provisions of Articles 684 to 686 from the date of attestation.

663.—Boys of 14 years and upwards, specially enlisted under the Army Enlistment Acts of 1867 and 1870, shall reckon only such portion of their service towards pension as they may render after they have attained the age of 17 years.

666.—Militiamen who fraudulently enlisted into Our Army whether before or after the passing of the Mutiny Act of 1860 reckon

their Army Service towards pension only from the date of the completion of their limited engagement, but if any such soldier shall, subsequently to his enlistment, have rendered long, faithful, or gallant service, Our Secretary of State may, on the special recommendation of Our Commander-in-Chief, order that he may reckon service towards pension from the date of his attestation.

667.—The two years boon service granted in pursuance of the General Order of the Governor General of India, dated 12th October, 1859, to the non-commissioned officers and men who volunteered from the late forces of the East India Company, and the one year's service granted to the garrisons which defended Lucknow and the Alumbagh respectively prior to the advance of any portion of the forces under the late Lord Clyde, reckons towards pension as private.

668.—Service in the Militia in the case of a sergeant transferred to the permanent staff thereof, and service as sergeant-instructor of Volunteers, shall reckon towards pension.

669.—Soldiers confined in lunatic asylums, or while under restraint as lunatics in hospital or on board ship, may reckon the period of such confinement towards pension.

670.—Three years service by Europeans on the West Coast of Africa shall count as five towards pension, but no period short of three years shall so reckon.

671.—A schoolmaster shall reckon as schoolmaster's service half the period of his previous service in the army. The period passed in the Training Schools of the Royal Military Asylum shall not be allowed to reckon.

672. Soldiers re-engaging during or at the expiration of their first term of service, shall reckon such period of their former service towards pension as shall not have been forfeited towards that advantage.

673.—A soldier who has been permitted, under the terms of Article 648 to re-enlist subsequently to the 29th October, 1861, but prior to the 1st August, 1870, into any arm of the service, or to re-engage between those dates, within one year of his discharge, shall, subject to the sanction in each case of our Secretary of State, be allowed to reckon such period of his former service towards pension as has not been forfeited towards that advantage.

683.—No service shall reckon towards pension which has been forfeited towards the term of limited engagement under the provisions of Articles 659 or 660.

684.—Service towards pension shall also be forfeited by a soldier enlisted, re-enlisted, or re-engaged under the Army Service Act of 1847, as follows :—

- (a.) For any period of absence without leave exceeding five days ;
- (b.) For any period (including the day of release) of detention awaiting trial for an offence of which he is afterwards convicted.

685.—A soldier shall forfeit the whole of his prior service towards pension :—

- (a.) When found guilty by court-martial of desertion, or of wilfully tampering with his eyes, or maiming or injuring himself or any other soldier, with intent to render himself or any other soldier unfit for service ;
- (b.) When sentenced to penal servitude, or convicted of felony, in any civil court in England or Ireland, or of any crime or offence in any civil court, in any part of the United Kingdom or in any part of Our dominions out of the United Kingdom, which if committed in England would amount to felony ;
- (c.) When confessing desertion, the trial having been dispensed with ;
- (d.) When sentenced by court-martial to be discharged with ignominy, or on being sentenced to penal servitude ; \*

but if the soldier thus convicted shall, subsequently to such conviction, perform good, faithful, or gallant service, he may, on the same being duly certified by Our Commander-in-Chief, be restored the whole or any part of his service upon Our Pleasure to that effect being signified by Our Secretary of State. Such restoration of service shall also include the restoration of any medals earned previously to conviction.

686.—A soldier convicted by any general court-martial shall forfeit the advantages of past and future service, if such forfeiture form part of the sentence, but not otherwise, except as provided in Article 685.

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\* Addition by Army Circular 55 of 1880.

*Mode of Reckoning Service towards Good Conduct Pay.*

1103.—Soldiers enlisted under the Army Service Act, of 1847, shall reckon towards good conduct pay all service after the age of 18 years not forfeited under the provisions of Articles 1127 to 1129.

1104.—Soldiers enlisted under the Army Enlistment Acts of 1867 and 1870, shall reckon towards good conduct pay from the date of attestation all service after the age of 17 years not forfeited under the provisions of Articles 1127 to 1129.

1105.—Boys of 14 years of age and upwards specially enlisted under the Army Enlistment Acts of 1867 and 1870, shall reckon only such portion of their service towards good conduct pay as they may render after they shall have attained the age of 17 years.

1106.—Soldiers who have rejoined Our Army from the Army Reserve Force prior to the 1st January, 1874, shall reckon their service in that force towards good conduct pay.

1107.—Soldiers who may rejoin Our Army from the Army Reserve Force on or subsequently to the 1st January, 1874, shall not reckon their service in that force towards good conduct pay.

1110.—Militiamen who fraudulently enlisted into our Army, whether before or after the passing of the Mutiny Act of 1860, shall reckon their Army service towards good conduct pay only from the date of the completion of their Militia engagement; but if any such soldier shall subsequently to his enlistment have rendered long, faithful, or gallant service, Our Secretary of State may, on the special recommendation of Our Commander-in-Chief, order that he may reckon service towards good conduct pay from the date of his attestation.

1111.—The one year's service granted to the garrisons which defended Lucknow and the Alumbagh respectively, prior to the advance of any portion of the forces under the late Lord Clyde, shall reckon towards good conduct pay.

1113.—Soldiers confined in lunatic asylums, or while under restraint as lunatics in hospital or on board ship, shall not reckon the period of such confinement towards good conduct pay.

1124.—A man discharged from Our Royal Navy and enlisted into Our Regular Army, shall reckon towards good conduct pay

his previous Navy service, provided that not more than twelve months elapsed between the date of discharge from one Service and entry into the other, and provided also he was on receipt of good conduct pay at the time of his discharge from the Navy.

1126.—No service shall reckon towards good conduct pay which has been forfeited towards the term of limited engagement under the provisions of Articles 659 or 660.

1127.—Service towards good conduct pay shall also be forfeited by a soldier enlisted, re-enlisted, or re-engaged under the Army Service Act of 1847 as follows:—

- (a.) For any period of absence without leave exceeding five days.
- (b.) For any period (including the day of release) of detention awaiting trial for an offence of which he is afterwards convicted.

1128.—A soldier shall forfeit the whole of his prior service towards good conduct pay:—

- (a.) When found guilty by court-martial of desertion, or of wilfully tampering with his eyes, or maiming or injuring himself or any other soldier with intent to render himself or any other soldier unfit for service;
- (b.) When sentenced to penal servitude, or convicted of felony, in any civil court in England or Ireland, or of any crime or offence in any civil court in any part of the United Kingdom, or in any part of Our Dominions out of the United Kingdom, which, if committed in England would amount to felony;
- (c.) When confessing desertion, the trial having been dispensed with;
- (d.) When sentenced by court-martial to be discharged with ignominy or on being sentenced to penal servitude;\*

but if the soldier thus convicted shall, subsequently to such conviction, perform good, faithful, or gallant service, he may, on the same being duly certified by Our Commander-in-Chief, be restored to the whole or any part of his service, upon Our Pleasure to that effect being signified by Our Secretary of State.

1129.—A soldier convicted by any general court-martial for offences other than those specified in Article 1128 (a) shall forfeit the advantages of past and future service if such forfeiture form part of the sentence, but not otherwise.

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\* Addition made by Army Circular 55 of 1880.



**Royal Warrant, 1882.**

572.—Soldiers discharged on or after the 1st July, 1881, shall reckon for the purpose of fixing the rate of pension to which they may be entitled, all service with the colours allowed to reckon towards discharge or transfer to the Reserve, except as provided in Articles 577 to 582. Boys enlisted under the Army Service Act of 1847 shall reckon towards pension their service from the date of attestation irrespective of age.

573.—Soldiers shall reckon their past service in the First Class Army Reserve Force towards pension, or for the purpose of fixing the rate of pension, if called out on permanent service or specially permitted to rejoin the colours.

574.—Three years' service or upwards by Europeans on the West Coast of Africa shall count in the proportion of three years for five towards pension, or for the purpose of fixing the rate of pension, but no period short of three years shall so reckon. The service thus imputed [? computed] shall reckon as service in the rank in which the service was actually given.

575.—The military service rendered by a schoolmaster previously to his appointment as schoolmaster shall reckon towards pension, subject to the usual conditions, but the period passed in the training schools of the Royal Military Asylum shall not so reckon.

576.—A soldier enlisted after the 30th September, 1880, shall not reckon any former service rendered by him towards pension, or for the purpose of fixing his rate of pension.

577.—Service shall not reckon towards pension, or for the purpose of fixing the rate of pension, unless it reckons toward the term of limited engagement or the completion of the term of original enlistment, except, as provided by Article 572 in the case of boys enlisted under the Army Service Act of 1847.

578.—Service shall not reckon towards pension, nor for the purpose of fixing the rate of pension, if it has been forfeited for that purpose by sentence of a court-martial.

579.—A soldier shall also forfeit his service for the purpose of fixing the rate of pension for every day on which pay is forfeited,

under Articles 766 to 770, except when the pay has been so forfeited:—

- (a.) For periods of absence without leave not exceeding five days;
- (b.) For periods of imprisonment not exceeding seven days, by the award of the commanding officer or by the commanding officer of one of Our ships;
- (c.) For periods of imprisonment under detention on the charge for absence without leave, when such absence without leave was for less than six days and the period of imprisonment awarded by the commanding officer was less than eight days.

579 I.—A soldier enlisted before the passing of the Army Discipline and Regulation Act, and who has not consented to the application to him of Part II of that Act, nor re-engaged after it came into force, shall forfeit the whole of his prior service towards pension when convicted by court-martial of desertion or fraudulent enlistment, or when his trial for desertion or fraudulent enlistment has, on his confession of the offence, been dispensed with by competent military authority.

579 II.—Should any soldier referred to in Article 579—I. be exempt from liability to trial on the ground that he has served continuously in an exemplary manner for not less than three years in any corps of Our Regular Forces, the service of such soldier shall reckon towards pension from the date of his fraudulent enlistment, and he shall only forfeit the service rendered under his former enlistment or enlistments.

579 III.—Should a soldier who has forfeited the whole of his past service, under the provisions of Article 579—I. or a portion of such service, or a portion of such service under the provisions of Article 579—II. perform, subsequently to his incurring such forfeiture, good, faithful, or gallant service, he may be restored to the whole or any part of his service by our Secretary of State.

580.—A soldier shall forfeit the whole of his prior service towards pension when sentenced by court-martial to be discharged with ignominy, or discharged in consequence of his incorrigible and worthless character, or expressly on account of misconduct, or on conviction by the civil power, or on being sentenced to penal servitude, or for giving a false answer on attestation.

580 I.—Militiamen who fraudulently enlisted into Our Army before the passing of the Army Discipline and Regulation Act of 1879, shall forfeit towards pensions such period of their army service as was rendered before the date of the completion of their Militia engagement, or before the 25th July, 1879, if their Militia engagement expired after that date; but if any such soldier shall, subsequently to his enlistment, have rendered good, faithful, or gallant service, Our Secretary of State may order that he shall reckon service towards pension from the date of his attestation.

581.—A soldier who has improperly enlisted while belonging to the Army Reserve, and who, on the detection of the offence, is retransferred to the Army Reserve, shall only reckon service under such improper enlistment as Reserve service.

582.—A soldier who has improperly enlisted while belonging to the Army Reserve, but who on the detection of the offence, is retained with the Regular Army, shall forfeit towards pension, or for the purpose of fixing the rate of pension, all service rendered before the date of his improper enlistment.

583.—Any general or district court-martial may, in addition to or without any other punishment, sentence any offender to forfeit the whole or any portion of his past service for the purpose of fixing the rate of his pension; but no such forfeiture shall be awarded by the court-martial when the offence is such that the conviction does of itself entail a forfeiture of service for the purpose of determining pension under Articles 577, 578—I, 579, 579—I, 580, 581, 582.

\*766.—A soldier shall forfeit his pay :—

- (a.) For any day of absence on desertion or without leave above five days. In case of such absence for a period not exceeding five days, the forfeiture may be either enforced or not at the discretion of the commanding officer, unless the soldier shall have been convicted of the offence by a court-martial, in which case he shall forfeit his pay absolutely for the day or days of such absence.
- (b.) For every day of imprisonment, either under sentence for an offence awarded by a civil court, or court-martial, or by his commanding officer, or by the commanding officer of one of Our ships, or under detention under charge for an offence of which he is afterwards convicted by a civil

court or court-martial, or under detention on the charge for absence without leave for which he is afterwards awarded imprisonment by his commanding officer, or under detention when he shall confess to have been guilty of desertion or fraudulent enlistment, and the forfeiture during the period of such detention shall have been ordered by the competent military authority.

- (c.) For every day on which he is in hospital on account of sickness, certified by the proper medical officer attending on him at the hospital to have been caused by an offence committed by him.

**766a.**—A soldier shall be regarded as absent or imprisoned under detention for one day within the meaning of Article 766 :—

- (1.) When he has been absent without leave or in confinement under detention for six consecutive hours, whether wholly in one day or partly in one day and partly in another.
- (2.) When, owing to his absence without leave or confinement under detention, he has been prevented from fulfilling some military duty which was thereby thrown on some other person.

**766b.**—If a soldier has been absent or in confinement under detention for one day as above defined, and remains absent or in confinement, he shall be regarded as absent or in confinement for an additional day for every period of six hours reckoned as in Article 766a, provided such period of six hours is in excess of those reckoned as part of the previous day's absence or confinement, and provided the number of days during which the soldier can be regarded as absent shall in no case exceed the number of days during the whole or a portion of which days the soldier has been absent.

**766c.**—A soldier shall be regarded as being imprisoned under sentence within the meaning of Article 766 for every day in which he is in confinement under such sentence, with the exception of the day on which the imprisonment commences. Such day will be regarded as a day of imprisonment under detention if coming within the terms of Articles 776 a and b.

**767.**—A soldier shall not receive pay on the day of his release from prison, nor shall a non-commissioned officer reduced to the ranks for an offence, if previously in confinement, receive pay on the day of reduction.

768.—A soldier acquitted, or illegally convicted of a charge, shall, on rejoining for duty, be settled with for full pay from the date in which he was first placed in confinement. A soldier released without trial shall be similarly settled with for full pay, unless his trial shall have been dispensed with on his confession that he has been guilty of desertion or fraudulent enlistment, in which case he shall suffer such forfeiture of pay as the competent military authority may direct (see Article 766*b*). If, however, the soldier acquitted, illegally convicted, or released without trial, and not ordered to incur penal forfeiture of pay, has been in confinement in guard room or on board ship, he will be liable to repay the amount charged against the public for his subsistence while so situated. He will also be liable to pay the ordinary hospital stoppages for any period he may have been in hospital.

769.—No pay shall be issued to soldiers sent home from abroad as prisoners for discharge in England, either whilst waiting to embark or during the voyage, although they may not be in close confinement.

770.—A soldier shall not be entitled to pay during the period of his absence as a prisoner of war; but upon rejoining our service, due inquiry having been made into the circumstances of his imprisonment, Our Secretary of State may restore the whole or any portion of the arrears of pay for the period of such absence.

918.—A soldier enlisted after the Army Discipline and Regulation Act of 1879 came into force, shall reckon towards good conduct pay all service with the colours allowed to reckon towards discharge or transfer to the Reserve, except as provided in Articles 920 and 921.

918—I.—A soldier enlisted under the Army Service Act of 1847 or the Army Enlistment Acts of 1867 or 1870, shall reckon towards good conduct pay any periods (other than in the Reserve, except as provided in 918—II) intervening between the 1st July, 1881, and the date of the completion of his limited engagement, except as provided in Article 919—II. Boys enlisted before the 25th July, 1879, shall reckon service towards good conduct pay from that date, irrespective of age.

918—II.—A soldier transferred to the Army Reserve before the 18th February, 1874, or attested or re-attested for Section A of

the Army Reserve before the 3rd April, 1878, shall, on rejoining Our Regular Forces, reckon service in the First Class Army Reserve towards good conduct pay.

919.—A soldier on rejoining Our Regular Forces from the Reserve, shall be entitled, from the date of rejoining, to reckon so much of his previous service in our regular forces as shall have counted towards good conduct pay.

919—I.—A soldier re-enlisted after the 30th September, 1880, shall not reckon towards good conduct pay any former service.

919—II.—A soldier enlisted prior to the passing of the Army Discipline and Regulation Act, and who shall not have consented to the application to him of Part II of that Act, or re-engaged after it came into force, shall forfeit the whole of his prior service towards good conduct pay, when found guilty by court-martial of desertion or of fraudulent enlistment, or when his trial for desertion or fraudulent enlistment has, on his confession of the offence, been dispensed with by competent military authority.

919—III.—Should any such soldier be exempt from liability to trial on the ground that he has served continuously in an exemplary manner for not less than three years in any corps of Our Regular Forces, the service of such soldier shall reckon towards good conduct pay from the date of his last attestation, and he shall only forfeit towards good conduct pay the service rendered on his former enlistment or enlistments.

919—IV.—Should a soldier who has forfeited the whole of his past service under the provisions of Article 919—II, or a portion of such service under the provisions of Article 919—III, perform subsequently to his incurring such forfeiture, good, faithful, or gallant service, he may be restored by Our Secretary of State to the whole or any part of his service.

919—V.—A Militiaman, who fraudulently enlisted into our army before the passing of the Army Discipline and Regulation Act, 1879, shall forfeit towards good conduct pay such period of his army service as was rendered prior to the date of the completion of his militia engagement, or prior to the 25th July, 1879, if his militia engagement expired after that date; but if any such soldier shall, subsequently to his enlistment, have rendered good, faithful,

or gallant service, Our Secretary of State may, on the special recommendation of Our Commander-in-Chief, order that he may reckon service towards good conduct pay from the date of his attestation.

920.—The service of a soldier who has improperly enlisted while belonging to the Army Reserve, but who, on the detection of the offence, is retained with the regular army, and not retransferred to the Army Reserve, shall reckon towards good conduct pay from the date of his improper enlistment, and any service rendered towards good conduct pay prior to such enlistment shall be forfeited.

921.—The service of a soldier who has improperly enlisted while belonging to the Army Reserve, and who, on the detection of the offence, is re-transferred to the Army Reserve, shall only reckon as if he had remained with the Reserve from the date of such improper enlistment to the date on which he is re-transferred to the Reserve, and shall not reckon towards good conduct pay, except under the conditions laid down in Article 918-II.

929.—A general or district court-martial may, in addition to or without other punishment, sentence a soldier to forfeit all or any of his good conduct badges, but no such forfeiture shall be awarded by the court-martial when the offence is such that the conviction does of itself entail a forfeiture of service towards engagement, and consequently towards good conduct badges, or of service towards good conduct badges only under Article 919-II.

930.—A soldier sentenced by a civil court to a term of imprisonment exceeding six months, or who has enlisted illegally (but not fraudulently) while belonging to the Reserve, and on detection of the offence, is re-transferred to the Reserve, shall forfeit all good conduct badges held by him, without power of restoration, and be placed in the same position as regards earning badges as a soldier to whom a badge shall never have been awarded. The soldier re-transferred to the Reserve shall not commence to count his time towards a term of good conduct until the date when he may be called up to rejoin the colours.\*

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\* As amended by CL 2 Army Circular, January 1, 1883.

931.—An entry in the regimental defaulters' book of an offence which would, under the Army Discipline and Regulation Act of 1879, be punishable by the forfeiture of service towards engagement, shall, whether the soldier shall have enlisted under that Act or not, involve the forfeiture of all his good conduct badges; and before a badge or badges shall be again awarded to him, he shall give the service defined in Article 916, reckoning from the date of conviction, or order dispensing with the trial.

932. A soldier shall forfeit the whole of his good conduct badges when sentenced by court-martial to be discharged with ignominy, or discharged in consequence of his incorrigible and worthless character, or expressly on account of misconduct, or on conviction of the civil power, or on being sentenced to penal servitude, or for giving a false answer on attestation.

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